

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION**

**CHEYENNE RIVER SIOUX TRIBE,**

**Plaintiff,**

**and**

**ROSEBUD SIOUX TRIBE,**

**Intervenor-Plaintiff,**

**v.**

**RYAN ZINKE, UNITED STATES  
SECRETARY OF INTERIOR, et al.,**

**Defendants.**

**Case No. 3:15-cv-3018-KES**

**PLAINTIFF CHEYENNE RIVER SIOUX  
TRIBE’S MOTION FOR SUMMARY  
JUDGMENT AND MOTION TO JOIN  
PLAINTIFF ROSEBUD SIOUX TRIBE’S  
MOTION FOR SUMMARY JUDGMENT**

In accordance with Federal Rule of Civil Procedure 56(a), Plaintiff Cheyenne River Sioux Tribe (“Tribe”), a federally-recognized Indian Tribe, respectfully moves this Court to enter summary judgment in favor of the Tribe on the following claims set forth in the Tribe’s Complaint:

1. Failure to engage in pre-decisional consultation with tribes and failure to provide substantial reasons for not giving effect to tribal views and concerns
2. The restructuring plan is arbitrary and capricious and not in accordance with the law
3. Breach of treaty provisions and trust responsibility

The Tribe bases this motion on the pleadings and other papers on file, the separate statement of material facts not in genuine dispute attached hereto pursuant to Local Rule 56.1 as well as the following memorandum of points and authorities, exhibits referenced herewith, and any argument of counsel that may be heard by the Court, and respectfully asks the Court to enter an order accordingly.

The Cheyenne River Sioux Tribe moves to join Rosebud Sioux Tribe's Motion for Summary Judgment, filed by Plaintiff Rosebud Sioux Tribe on February 12, 2018. The Tribe joins the Rosebud Sioux Tribe's Motion for Summary Judgment as to statements of fact, law and legal argument set forth in Rosebud Sioux Tribe's Memorandum in Support of Motion for Summary Judgment and its Statement of Material Facts in Support of its Motion for Summary Judgment.

Dated: February 12, 2018

CHEYENNE RIVER SIOUX TRIBE,  
Plaintiff,

By: /s/ Tracey A. Zephier  
Tracey A. Zephier  
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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 12<sup>th</sup> day of February, 2018, a copy of the foregoing was filed electronically with the Clerk of the Court. The electronic filing prompted automatic service of the filing to all counsel of record in this case who have obtained CM/ECF passwords.

/s/ Tracey Z. Zephier